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May 1, 2007

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By Electronic Case Filing

The Honorable Marilyn Dolan Go
United States Magistrate Judge
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: Jacobson v. Moller & Moller, Inc. et al., Case No. 02-CV-6316 (ERK)(MDG)

Dear Magistrate Judge Go:

This firm represents plaintiff, as Chairman of the Joint Industry Board of the Electrical Industry, in the above-referenced matter. I write to request that the Court enter an Order compelling defendant Athanasios Papadopoulos ("Papadopoulos") to comply with plaintiff's post-judgment discovery requests.¹

On February 15, 2007, Papadopoulos was personally served with a Subpoena Duces Tecum Ad Testificandum (the "Papadopoulos Subpoena") requiring him to produce documents by March 15, 2007 and appear for a deposition on March 22, 2007. A copy of the Papadopoulos Subpoena is attached hereto as Exhibit A and proof of service is attached as Exhibit B.

On March 1, 2007, third-party information subpoenas (the "March 1 Subpoenas") were sent to three companies with which Papadopoulos is believed to be affiliated: Delta Star Electric Service Inc., Sigma Electrical Contracting Corp., and Sigma Electrical Contracting & Maintenance, Corp. Copies of the March 1 Subpoenas are attached as Exhibit C. Responses to

¹ On December 30, 2004, the Court entered judgment against Papadopoulos and his co-defendants, jointly and severally, and on November 30, 2005, a supplemental judgment was entered against Papadopoulos and his co-defendants, jointly and severally.

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these subpoenas were due on March 17, 2007. On April 9, 2007, a third-party information subpoena was sent to Delta Star Electric III Inc. (the “April 9 Subpoena”), another company with which Papadopoulos is believed to be affiliated.² Attached as Exhibit E is a copy of the April 9 Subpoena. The response to the April 9 Subpoena was due on April 18, 2007. Proofs of service by certified mail, return receipt requested, of the March 1 Subpoenas and the April 9 Subpoena (collectively, the “Third-Party Subpoenas”) are attached hereto as Exhibit F. To date, no response has been received to any of the Third-Party Subpoenas.

On March 21, 2007, the day before Papadopoulos’s scheduled deposition, Jerry Papapanayotou, Esq., counsel for Papadopoulos (appearing for the first time in these post-judgment matters) requested an extension of time for the document production and adjournment of the deposition. I consented to the extension, and the dates for the document production and of the deposition were rescheduled to April 11, 2007 and April 18, 2007, respectively. By letter dated March 22, 2007, I confirmed the extension and also sent Mr. Papapanayotou copies of all of the subpoenas. A copy of my transmittal letter is attached hereto as Exhibit G.

On April 10, 2007, Mr. Papapanayotou called to request a second adjournment of the deposition and extension of time to produce documents. He requested that the deposition be rescheduled to early May but offered no specific date for either the deposition or document production. In the absence of firm dates, I did not consent to any extension or adjournment.

By letter dated April 10, 2007 to Mr. Papapanayotou, I offered to grant defendant’s request for a second extension on the conditions that responses to the document requests be provided by April 18, 2007 and the deposition be taken no later than May 7, 2007. A copy of my April 10, 2007 letter is attached hereto as Exhibit H. To date, no responses to the discovery requests have been received and Mr. Papapanayotou has not responded to my April 10, 2007 letter.

Accordingly, plaintiff respectfully requests that the Court enter an Order compelling Papadopoulos to produce document requested in the Papadopoulos Subpoena by May 7, 2007 and that he be required to appear for a deposition on May 15, 2007. It is further respectfully requested that Delta Star Electric Service Inc., Sigma Electrical Contracting Corp., and Sigma Electrical Contracting & Maintenance, Corp. and Delta Star Electric III Inc. be compelled to

² Attached as Exhibit D are print-outs from the website of the New York Secretary of State for the companies served with the Third-Party Subpoenas. The print-outs for Sigma Electrical Contracting Corp. and Delta Star Electric Service Inc. list Papadopoulos as a representative of those companies. The print-out for Sigma Electrical Contracting & Maintenance, Corp. lists the same address as that listed for Sigma Electrical Contracting Corp. and Delta Star Electric Service Inc. (23-88 Brooklyn Queens Expressway, Long Island City, NY 11103). *See* Exh. D. The print-out for Delta Star Electric III Inc. lists its address as that at which Papadopoulos was personally served with the Papadopoulos Subpoena. *See* Exh. B.

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respond to each of the subpoenas served on them. A proposed Order is attached hereto as Exhibit I for the Court's consideration.

Should the Court require any additional information, please contact the undersigned. Thank you for your consideration.

Respectfully submitted,

/s/ Eyad Asad
Eyad Asad (EA 5009)

EIA:mer
Enclosures

cc: Jerry Papapanayotou, Esq. (by facsimile and first-class US mail)